

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Parent Application No.: 09/415,426

Filed: October 8, 1999

Inventor(s):

Jeremy B. Rolls, Michael J.
Bushue, Rhod J. Jones and Stepan
Tatulian

Title: FAN CONTROL
MODULE FOR A
SYSTEM UNIT

Examiner: Unknown
Atty. Dkt. No: 5181-41201

CERTIFICATE OF EXPRESS MAIL
UNDER 37 C.F.R. §1.10

"Express Mail" mailing label number: EL893867061US
DATE OF DEPOSIT: 10/19/01

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Office of Petitions
Washington, DC 20231

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OFFICE OF PETITIONS

PETITION UNDER 37 CFR §1.182

TO CONVERT 37 CFR 1.53(d) REQUEST FOR CONTINUED PROSECUTION
APPLICATION TO A 37 CFR 1.53(b) CONTINUING APPLICATION

Commissioner for Patents
Office of Petitions
Washington, D.C. 20231

Sir:

Applicant filed a Request for Continued Prosecution with the U.S. Patent and Trademark Office for the above-referenced patent application on July 13, 2001. However, that application matured into U.S. Patent No. 6,268,664 on July 31, 2001. Applicant therefore respectfully requests that the 37 CFR 1.53(d) Request for Continued Prosecution application be converted to a 37 CFR 1.53(b) Continuation Application in accordance with the enclosed Utility Patent Application Transmittal form. Also enclosed is a copy of the U.S. Patent Office's Decision on Petition which was mailed on August 17, 2001.

A Fee Authorization is attached hereto, however, if any additional fees are due, the Commissioner is hereby authorized to charge Conley, Rose & Tayon, P.C., Deposit

Account No. 501505\5181-41201\BNK. TWO DUPLICATE COPIES OF THIS
FORM ARE ENCLOSED.

Respectfully submitted,



B. Noël Kivlin
Reg. No. 33,929
ATTORNEY FOR APPLICANTS

Conley, Rose & Tayon, P.C.
P.O. Box 398
Austin, TX 78767-0398
(512) 476-1400
Date: 10-19-01



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 6

B NOEL KIVLIN
CONLEY ROSE & TAYON PC
PO BOX 398
AUSTIN TX 78767

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JUL 18 2002

OFFICE OF PETITIONS

~~In re Application of
Rolls, et al.
Patent No. 6,268,664
Issued: July 31, 2001
Application No. 09/415,426
Filed: October 8, 1999
Attorney Docket No. 5181-41200~~

DECISION GRANTING
PETITION

In re Application of
Rolls, et al.
Application No. 10/032,808
Filed: July 13, 2001
For: FAN CONTROL MODULE FOR A
SYSTEM UNIT

This is a decision on petition filed October 19, 2001, requesting that the Continued Prosecution Application (CPA) filed on July 13, 2001, and based on prior application No. 09/415,426 (issued as U.S. Patent No. 6,268,664 on July 31, 2001) be treated as an application under 37 CFR 1.53(b), rather than 37 CFR 1.53(d), and be accorded a filing date of July 13, 2001.

A request for a CPA under 37 CFR 1.53(d) based on prior application No. 09/415,426 was deposited on July 13, 2001. However, the prior application issued on July 31, 2001, as U.S. Patent No. 6,268,664, as a result of applicant's payment of the issue fee on June 14, 2001.

Because the CPA request was filed after the issue fee was paid, the CPA request was improper.

The present petition requests that the CPA request be treated as an application filed under 37 CFR 1.53(b). It is noted that the CPA request was filed on July 13, 2001, while the prior application was still pending. Accompanying the CPA request was

a petition under 37 CFR 1.313(c)(3) to withdraw the application from issue after payment of the issue fee. Unfortunately, the petition reached the appropriate official for decision after the patent issued. The present petition includes a complete copy of the application as originally filed as well as a Preliminary Amendment filed on July 13, 2001.

The petition is granted.

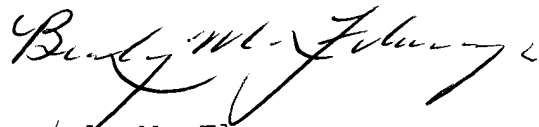
The application under 37 CFR 1.53(b) filed on July 13, 2001, has been assigned application No. 10/032,808. The CPA request, the papers accompanying the CPA request, the present petition, and the copy of the application as originally filed have been placed in application No. 10/032,808. All further correspondence concerning the application under 37 CFR 1.53(b) should be directed to application No. 10/032,808, not application No. 09/415,426.

Deposit Account No. 50-1505 has been charged the amount of \$888, representing the \$740 filing fee, \$18 additional claims fee, and \$130 petition fee in application no. 10/032,808. Deposit Account No. 50-1505 has also been refunded the \$710 CPA fee (and \$90 additional claims fee) paid in application no. 09/415,426 on July 13, 2001.

Application No. 09/415,426 will be forwarded to Files Repository.

Application No. 10/032,808 will be forwarded to the Office of Initial Patent Examination for further processing as an application filed under 37 CFR 1.53(b), not under 37 CFR 1.53(d), with a **filing date of July 13, 2001**, using the copy of the application papers submitted on October 19, 2001

Telephone inquiries concerning this matter may be directed to Petitions Attorney Cliff Congo at (703)305-0272.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



07-16-01

#CPA 2836 #11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No: 5181-41201,
Application No: 09/415,426
Inventor(s):
Jeremy B. Rolls, Michael J. Bushue,
Rhod J. Jones and Stepan Tatulian

Title: FAN CONTROL MODULE
FOR A SYSTEM UNIT

Adjustment date: 07/18/2002 LDIEP1
07/18/2001 TGEDAMU1 00000065 501505 09415426
02 FC:131 710.00 CR
03 FC:103 90.00 CR

Examiner: F. Fleming
Group/Art Unit: 2836

CERTIFICATE OF EXPRESS MAIL
UNDER 37 C.F.R. §1.10

"Express Mail" mailing label number: EL893867353US
DATE OF DEPOSIT: July 12, 2001

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Commissioner for Patents
Box CPA
Washington, DC 20231

Paul Kennedy
Paul Kennedy

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AUG 14 2001

**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

OFFICE OF PETITIONS
DEPUTY A/C PATENT S

(Only for continuation or divisional applications under 37 CFR § 1.53(d))

This is a request for a <u>Continuation</u> application under 37 C.F.R. § 1.53(d), (continued prosecution application (CPA)) of prior application number 09/415,426, filed on October 8, 1999, entitled FAN CONTROL MODULE FOR A SYSTEM UNIT.	
Inventors(s): Jeremy B. Rolls, Michael J. Bushue, Rhod J. Jones and Stepan Tatulian	
Examiner: F. Fleming	Group/Art Unit: 2836
Assignee: Sun Microsystems, Inc.	Recorded at Reel 10724, Frame 0598
Correspondence Address in Prior Application:	B. Noël Kivlin Conley, Rose, & Tayon, P.C. P.O. Box 398 Austin, Texas 78767-0398

Application Elements

1. ☒ Filing Fee

The filing fee is calculated as shown below.

Total Claims	25	-20=	5	x \$18.00=	\$90.00
Independent Claims	3	-3 =	0	x \$80.00=	
Multiple Dependent Claims				Fee:	
				Basic Fee:	\$710.00
				Sub-Total:	\$800.00
				Total:	\$800.00

- ☒ The Commissioner is hereby authorized to charge the filing fee and any other fees which may be required or credit any overpayment to Conley, Rose, & Tayon, P.C., Deposit Account No. 501505/5181-41201/BNK.

2. ☐ This application is filed by fewer than all the inventors named in the prior application

07/18/2001 TGEDAMU1 00000064 501505 09415426

01 FC:131 710.00 CH
02 FC:103 90.00 CH

09415426
E555
09415426
07/18/2001 TGEDAMU1 00000064 501505
02 FC:131 710.00 CR
03 FC:103 90.00 CR

- ☐ Delete the following inventor(s) named in the prior non-provisional application:
- ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
3. ☐ A new power of attorney or authorization of agent is enclosed.
4. ☒ Information Disclosure Statement (IDS)
- ☒ Copies of IDS Citations
5. Amendments
- ☒ A preliminary amendment is enclosed.
- ☐ Enter the unentered amendment previously filed on _____ under 37 C.F.R. § 1.116 in the prior application.
- ☐ Cancel in this application claim(s) _____ before calculating the filing fee. At least one independent claim is retained for filing purposes.
6. ☒ Return Receipt Postcard
7. Small Entity Status
- ☐ A small entity statement is enclosed.
- ☐ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
- ☐ Is no longer claimed.
8. ☐ Petition under 37 C.F.R. § 1.313(b)(5) to Withdraw from Issue
9. ☒ Fee Authorization form

☐ New Correspondence address
(Prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below).

B. Noël Kivlin
Conley, Rose, & Tayon, P.C.
P.O. Box 398
Austin, Texas 78767-0398
Phone: (512) 476-1400 Fax: (512) 703-1250

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions.

The Commissioner is hereby authorized to charge any other fees which may be required or credit any overpayment to Conley, Rose, & Tayon, P.C., Deposit Account No. 501505/5181-41201/BNK.

Signature

Name

Registration No.

Date


B. Noël Kivlin

33,929

July 12, 2001

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: <u>6/11/02</u>		2 Serial/Patent # <u>09/415,426</u>								
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED							
<input type="checkbox"/>	Filing		\$							
<input type="checkbox"/>	Amendment		\$							
<input type="checkbox"/>	Extension of Time		\$							
<input type="checkbox"/>	Notice of Appeal/Appeal		\$							
<input type="checkbox"/>	Petition		\$							
<input type="checkbox"/>	Issue		\$							
<input type="checkbox"/>	Cert of Correction/Terminal Disc.		\$							
<input type="checkbox"/>	Maintenance		\$							
<input type="checkbox"/>	Assignment		\$							
<input checked="" type="checkbox"/>	other <u>CPA + Claim Fee</u>	<u>11</u>	<u>7/13/01</u> \$ <u>800.00</u>							
		7 TOTAL AMOUNT OF REFUND								
		\$ <u>800.00</u>								
10 REASON:		8 TO BE REFUNDED BY:								
<input type="checkbox"/>	Overpayment	Treasury Check								
<input type="checkbox"/>	Duplicate Payment	<input checked="" type="checkbox"/>	Credit Deposit A/C #:							
<input checked="" type="checkbox"/>	No Fee Due (Explanation):	, <table border="1" style="display: inline-table; text-align: center;"> <tr> <td>5</td><td>0</td><td>--</td><td>1</td><td>5</td><td>0</td><td>5</td> </tr> </table>		5	0	--	1	5	0	5
5	0	--	1	5	0	5				
CPA was converted to an application under 37 CFR 1.53(d). Applicant has already been charged for the 1.53(d) filing.										
11 REFUND REQUESTED BY:										
TYPED/PRINTED NAME: <u>Cliff Congo</u>		TITLE: <u>Petitions Attorney</u>								
SIGNATURE: <u>Cliff Congo</u>		PHONE: <u>305-0272</u>								
OFFICE: <u>Petitions</u>										
***** THIS SPACE RESERVED FOR FINANCE USE ONLY *****										
APPROVED: <u>[Signature]</u>		DATE: <u>7/18/02</u>								

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: